IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 290 of 2006

BHERULAL
V/S
LR' OF CHHAGANLAL

Mr. PRADEEP SHAH, for the appellant / petitioner

Mr. MANISH PITALIYA, for the respondent

Date of Order : 7.9.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Both the learned Courts below have decreed the suit for eviction of the shop on the ground of reasonable and bonafide necessity and by deciding the question of comparative hardship and partial eviction in favour of the plaintiff, so also on the ground of subletting.

Having gone through the impugned judgments of the two learned Courts below, I am satisfied that the findings recorded are not vitiated on any of the grounds available under Section 100 CPC.

The appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed summarily.

At the request of the learned counsel for the appellant, the appellant is given time upto 31st December, 2007 to vacate the suit premises on the condition that the

defendant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the appellant in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellant fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

/tarun/